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U.S. Army in Germany Opened Civilians' Mail

By Morton Mintz

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Army intelligence officers have opened the private mail of American civilians in West Berlin and in West Germany, the Senate intelligence committee said yesterday.

In West Berlin, mail openings and wiretappings have been carried out since the end of World War II under a tripartite agreement with the British and French, the committee said in a new report, "Improper Surveillance of Private Citizens by the Military."

The agreement requires each of the three governments to inform the others about security matters in their sectors of the city. Army surveillance has been conducted "not simply for its own purposes, but for the other Allied commands as well," the report said.

The West German government brought wiretaps and mail openings under its exclusive control in 1953. This has required the Army to request desired surveillance of that kind from a special West German commission, the Senate report said. These requirements do not apply in West Berlin.

The intelligence commit-

tee, headed by Sen. Frank Church (D-Idaho), said that an estimated 5,000 Pentagon personnel within the United States are involved in security-clearance, criminal and counterintelligence investigations.

Congress has enacted no law that "expressly provides how the military may be used in the civilian community, or more specifically, whether it is prohibited from investigating private citizens or private organizations," the report said.

In a related development, Army Secretary Martin R. Hoffman acknowledged that the Army in 1968 "intercepted" a letter from a member of the Socialist Workers Party in the United States to a person in West Berlin, and in 1972 opened a letter that "merely discussed" a member of the party.

Hoffmann made the acknowledgement in an affidavit filed here in a U.S. District Court lawsuit brought by the party against several government intelligence agencies.

In a second affidavit, Hoffmann said that the Army "conducts monitoring of postal and telephone communications within its sec-

tor of Berlin for itself and other United States investigatory agencies."

Reached at his home, Hoffmann declined to say whether such monitoring continues, as indicated by the affidavits or to say whether the Army is opening letters and tapping phones for the Central Intelligence Agency.

A CIA spokesman told a reporter that "if such a situation does obtain," the law does not permit the CIA to say so. From 1953 to 1973, the CIA opened and photocopied mail between the United States and Communist countries.

The second Hoffmann affidavit was filed in a separate but related suit against the Defense Department by Americans who, while living in West Berlin in the early 1970s, actively opposed U.S. participation in the war in Vietnam and tried to induce soldiers to join them.

In a ruling in the case in March, U.S. District Court Judge William B. Jones said that the Army cannot wiretap American civilians without court approval, unless it has evidence that they are collaborating with a foreign power, or unless there is an emergency.